

drawing pensions," extending the provisions of the act to all magistrates, aldermen, justices of the peace, or other persons authorized to take acknowledgments and administer oaths, and to papers other than those connected with pensions.

Magistrates, etc.

Section 1. Be it enacted, &c., That the act, approved the eleventh day of June, one thousand eight hundred and seventy-nine (Pamphlet Laws, one hundred forty-eight), entitled "An act to require all magistrates and other officials in cities of the first, second and third class, authorized to take acknowledgments and administer oaths, to perform such service free of charge for soldiers and widows of soldiers, when making affidavit to papers for the purpose of drawing pensions," is hereby amended to read as follows:

Act of June 11,
1879 (P. L. 148),
amended.

Magistrates,
aldermen, etc.,
to administer
oaths free of
charge in
certain cases.

Section 1. Be it enacted, &c., That hereafter it shall be the duty of any magistrate, alderman, justice of the peace, or any other person authorized to take acknowledgments and administer oaths, to perform such service for any soldier, widow or orphan of a soldier, or soldier's parents, who may apply to them for the purpose of making affidavit to papers for the purpose of obtaining pensions and all other papers connected with and referring to the military service of any ex-service person, free of charge therefor. [Provided, That the provisions of this act shall only apply to magistrates, aldermen, justices of the peace, or other persons authorized to take acknowledgments in cities of the first, second and third class.]

APPROVED—The 25th day of May, A. D. 1933.

GIFFORD PINCHOT

No. 239

AN ACT

To amend section twenty, sections twenty-six, twenty-nine, thirty and thirty-two as amended, and to repeal sections twenty-seven and twenty-eight, of the act, approved the eleventh day of May, one thousand nine hundred and twenty-one (Pamphlet Laws, five hundred twenty-two), entitled "An act relating to dogs, and the protection of live stock and poultry from damage by dogs; providing for the licensing of dogs by the Secretary of Agriculture; providing for the enumeration of dogs by assessors; regulating the keeping of dogs, and authorizing their destruction in certain cases; providing for the protection of licensed dogs, and for dogs temporarily imported for trial, show, and breeding purposes; prescribing certain privileges for hunting dogs, and dogs owned or used by the Board of Game Commissioners; providing for the assessment of damages done to live stock and poultry by dogs, and for the illegal killing of licensed dogs, and the payment of such damages by the Commonwealth; imposing powers and duties on certain State, county, city, borough, town, and township officers and employes; directing the payment of all moneys collected into the State Treasury; and making an appropriation thereof; and

providing penalties," changing the fee for killing dogs and disposing of their carcasses; and providing that appraisements for damages to live stock and poultry shall be made by an agent of the Commonwealth.

Section 1. Be it enacted, &c., That section twenty of the act, approved the eleventh day of May, one thousand nine hundred and twenty-one (Pamphlet Laws, five hundred twenty-two), entitled "An act relating to dogs, and the protection of live stock and poultry from damage by dogs; providing for the licensing of dogs by the Secretary of Agriculture; providing for the enumeration of dogs by assessors; regulating the keeping of dogs, and authorizing their destruction in certain cases; providing for the protection of licensed dogs, and for dogs temporarily imported for trial, show, and breeding purposes; prescribing certain privileges for hunting dogs, and dogs owned or used by the Board of Game Commissioners; providing for the assessment of damages done to live stock and poultry by dogs, and for the illegal killing of licensed dogs, and the payment of such damages by the Commonwealth; imposing powers and duties on certain State, county, city, borough, town, and township officers and employes; directing the payment of all moneys collected into the State Treasury; and making an appropriation thereof; and providing penalties," is hereby amended to read as follows:

Section 20. If, after ten days from the giving of such notice, such dog has not been claimed, such chief of police, or his agent, constable, or high constable, shall dispose of such dog by sale or by destruction in some humane manner. No dog so caught and detained shall be sold for the purpose of vivisection. All moneys derived from the sale of such dog, after deducting the expense of its detention, shall be paid to the county treasurer, and by him paid to the State Treasurer. For services under section nineteen and twenty of this act, such officers shall be paid the sum of two dollars for detaining a licensed dog, and the sum of [two dollars] *one dollar* for the killing and properly disposing of carcass of each unlicensed dog by cremation, burial, or other approved sanitary method. All expenses, incurred under this or the preceding section and not otherwise provided for, shall be paid by the State Treasurer, from the fund specifically provided for by this act and appropriated for this purpose, upon warrant of the Auditor General and approval of the Secretary of Agriculture.

Section 2. That section twenty-six of said act, as last amended by the act approved the first day of June, one thousand nine hundred and thirty-one (Pamphlet Laws, three hundred eleven), is hereby further amended to read as follows:

Section 26. Whenever any person sustains any loss or damage to any live stock or poultry by dogs, or any live stock or poultry of any person is necessarily destroyed because of having been bitten by a dog, except when

Dog Law of 1921.

Section 20, act of May 11, 1921 (P. L. 522), amended.

Disposition of unclaimed dogs.

Vivisection.

Moneys derived from sale of dogs.

Fees of officers.

Expenses.

Section 26, as last amended by act of June 1, 1931 (P. L. 311), further amended.

Damage to live stock by dogs.

such loss, destruction or damage shall have been caused by a dog harbored by the owner of such live stock or poultry, such person or his agent or attorney may, immediately after the damage was done, complain to a *duly authorized agent of* [any township auditor, or to any justice of the peace, alderman or magistrate of the township, town, borough or city, or of any adjoining township, town or borough.] *the Department of Agriculture.* Such complaint shall be in writing, shall be signed by the person making such complaint, and shall state when, where, and how such damage was done, and by whose dog or dogs, if known. Claims covering damage due to rabies shall be made immediately following the death of the animal, and shall be supported by a certificate from a licensed and duly qualified veterinarian, or a report from the laboratory of the Department of Agriculture, to the effect that such animal was affected with rabies. [Such township auditor, justice of the peace, alderman or magistrate shall at once notify an auditor of the district in which he or the claimant is resident, if there be any, and where there is no auditor, then the controller of any such district, and together they] *Upon receipt of such notice, the agent of the Department of Agriculture* shall at once examine the place where the alleged loss or damage was sustained and the live stock or poultry injured or killed. [They] *The agent of the Department of Agriculture* shall then [jointly] fix a time for taking testimony relative to such claim and shall give notice of such time to the claimant and to the dog owner, if known. [Such appraiser] *The agent of the Department of Agriculture* shall examine, under oath or affirmation, any witness called before [them] *him.* After making diligent inquiry in relation to such claim, such [appraisers] *appraiser* shall determine whether any damage has been sustained and the amount thereof, and, if possible, who was the owner of the dog or dogs by which such damage was done. If the [two appraisers] *owner does* [can] not agree as to the amount of damage [sustained, the Secretary of Agriculture through his officers or agents] *allowed by the appraiser, the owner and appraiser* may appoint a disinterested citizen to assist in determining the amount of damage sustained. *For such services, the said disinterested citizen shall receive two dollars and mileage at five cents per mile for the distance traveled, which shall be paid by the owner and considered as part of the costs in such claim.*

Complaint by owner to agent of department.

Damages due to rabies.

Examination by agent.

Hearing.

Determination of damages.

Civil liability for damages.

Petition for quarantine of dogs.

Any owner or keeper of such dog or dogs shall be liable to the owner of such live stock or poultry, in a civil action, for all damages and costs, or to the Commonwealth to the extent of the amount of damages and costs paid by the Commonwealth as hereinafter provided.

When the inhabitants of any city, borough, or township, or of any part thereof, have suffered an excessive

amount of damage by dogs to live stock or poultry, a petition may be presented to the Secretary of Agriculture, signed by twenty or more of such residents who are owners of live stock or poultry, alleging such excessive damage and requesting that a quarantine be placed on all dogs within the limits of such city, borough, or township, or such part thereof. Upon receipt of such petition, the Secretary of Agriculture may, through his authorized agents, have an investigation made of the facts alleged therein and, if convinced that conditions in such city, borough, or township, or such designated area, demands such stringent measures, he may establish a dog control quarantine therein.

Quarantine.

When such quarantine is established, at least ten notices thereof shall be posted throughout the area affected thereby, and notice thereof shall also be published in at least one issue of a newspaper of general circulation throughout such city, borough, or township.

Notice of quarantine.

It shall be unlawful for any person, residing in the area affected by such quarantine, to permit a dog, owned or harbored by him, to run at large in such quarantined area, or to leave the premises where it is kept, unless accompanied by and under the control of himself or a handler.

Violation of dog law.

Any police officer may kill any dog running at large in a quarantined area, in violation of such quarantine, without any liability for damages for such killing.

Killing of dogs running at large.

Section 3. That sections twenty-seven and twenty-eight of said act, and the amendments thereto, are hereby repealed.

Sections 27 and 28 repealed.

Section 4. That sections twenty-nine, thirty, and thirty-two of said act, as amended by the act approved the first day of June, one thousand nine hundred and thirty-one (Pamphlet Laws, three hundred eleven), are hereby further amended to read as follows:

Sections 29, 30 and 32, as amended by act of June 1, 1931 (P. L. 311), further amended.

Section 29. Upon the Secretary of Agriculture receiving and approving such report, if it appears thereby that a certain amount of damage has been sustained by the claimant, he shall immediately draw a requisition in favor of the claimant for the amount of loss or damage such claimant has sustained according to such report, together with necessary and proper costs incurred. Such amount shall be paid from any appropriation to the Department of Agriculture available for this purpose. If such report is not approved, and it is deemed advisable, a further investigation may be made by the Secretary of Agriculture, through his officers or agents, to ascertain the amount of damage sustained. No person shall receive payment for any claim until the [township auditor, justice of the peace, alderman, or magistrate] *appraiser*, before whom the claim was made, has certified that due diligence was made to ascertain whose dog or dogs did the damage, and the claimant has certified that the carcasses of the live stock or poultry killed and for

Payment of claim.

Further investigation.

Certificates by appraiser and claimant.

- which damages have been assessed were buried within twenty-four hours after the assessment of damages. The owners of any live stock or poultry killed by dogs, or live stock necessarily destroyed because of having been bitten by a dog other than a dog harbored by such person, shall be paid a burial fee, as follows: For each horse, stallion, colt, gelding, mare, bull, bullock, steer, heifer, cow, mule, jack, jennet, or burro, [two dollars] *one dollar* and fifty cents; for sheep, ram, lamb, calf, goat, kid, or swine, [two dollars] *one dollar* each for the first three animals, and [one dollar] *fifty cents* for each additional animal; for each head of poultry, domestic hare or rabbit, ten cents each,—to be included in said report and paid as other damages under this section. Where said carcasses are turned over to a scavenger or reduction plant, no burial fee shall be allowed.
- Burial fees.**
- Upon payment by the State of damages of live stock or poultry by dogs, the rights of the owner of such live stock or poultry against the owner of a dog, to the extent of the amount of damages so paid by the State, shall inure to the benefit of the State.
- Rights of owner to accrue to State.**
- Section 30. No payment shall be made for any item which has already been paid by the owner of the dog or dogs doing the injury. The fact that no such payment has been made shall be certified by the [township auditor, justice of the peace, alderman, or magistrate] *appraiser*.
- Payment already made by dog owner.**
- When any payment is made by the State for any live stock, including poultry, injured by a dog, such payment shall not exceed one hundred dollars for each horse or mule; sixty dollars for each head of unregistered cattle; one hundred dollars for each head of registered cattle; [twenty] *ten* dollars for each head of unregistered swine, sheep, or goats; [thirty-five] *twenty* dollars for each head of registered swine, sheep, or goats; three dollars for each full-grown goose; [four] *three* dollars for each full-grown turkey; and [two dollars] *one dollar* for each head of other poultry, or domesticated hare or rabbit. All appraisals under this act shall be at the actual value of the live stock, including poultry, killed or injured.
- Amounts payable by State**
- Section 32. If, in the report of the [township auditor, justice of the peace, alderman, or magistrate] *appraiser*, the name of the owner of any dog or dogs having caused loss or damage to any live stock or poultry is definitely and conclusively shown, or if a written complaint is filed with the Secretary of Agriculture by any owner of live stock or poultry against any dog or dogs, stating that such dog or dogs has or have been seen pursuing or worrying live stock or poultry, and if such charge is proven by investigation on the part of the Secretary of Agriculture, he may notify the owner or keeper of such dog or dogs to immediately kill the same: whereupon it shall be unlawful and a violation of this act for such owner or keeper to permit or cause such dog or dogs, while alive, to leave or be removed from such premises.
- Notice to owner to kill dogs.**
- Unlawful for condemned dogs to leave premises.**

The killing of such dogs does not remove the liability of the owner of such damage done by his dog or dogs.

Upon failure, however, of such owner to comply with such order within a period of ten days, any police officer of the township, town, borough, or city in which said dog or dogs are kept, upon notice from the Secretary of Agriculture, shall kill such dog or dogs wherever found. For such service, he shall be entitled to a fee of [two dollars] *one dollar* for each dog so killed, to be paid by the State, upon a certified statement to the Secretary of Agriculture that such dog or dogs have been killed by him. The Secretary of Agriculture shall issue his requisition on the State Treasurer for such amount, unless payment has been made by the owner or keeper of the dog or dogs.

Owner's failure to kill dogs.

Fee of officer for killing dogs.

Any person who owns or harbors an unlicensed dog or dogs shall forfeit any right to be reimbursed for any damage to his livestock or poultry by dogs.

Owner of unlicensed dog to forfeit right to damages.

Section 5. This act shall take effect on the first day of June, one thousand nine hundred and thirty-three.

Effective date.

APPROVED—The 25th day of May, A. D. 1933.

GIFFORD PINCHOT

No. 240

AN ACT

To safeguard human health and life in counties of the second class by providing for the licensing and regulation of persons, municipalities, and entities engaged in the transportation of garbage, and in the disposal of garbage through the construction, keeping, maintenance or conduct of garbage disposal plants; conferring powers and imposing duties on the county commissioners of such counties, and otherwise providing for the administration of the act; and imposing penalties.

Section 1. Be it enacted, &c., That for the purpose and within the meaning of this act, the following definitions shall obtain:

Counties of second class. Garbage.

“Adequate provision for drainage” means closed or covered drains leading from floors, depositories of garbage, refuse or waste, into a cesspool or cesspools, sewer and treatment works.

Definitions.

“Adequate water supply” means a head and source of water of sufficient force, pressure and volume, when directly applied, to completely flush out and clean all floors, drains, receptacles, depositories, equipment and implements, used in the conduct of a garbage disposal plant, as often as may be necessary to keep the same clean and sanitary at all times.

“Cesspool” means a hole dug below the surface of the ground adequate to dispose of all liquids emanating from a garbage disposal plant, with a device for absolutely sealing such cesspool at the top.